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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of

Rulemaking to Amend Part 1 and  
Part 2 of the Commission's Rules  
To Redesignate the 27.5 - 29.5 GHz  
Frequency Band and To Establish  
Rules and Policies for Local  
Multipoint Distribution Service

CC Docket No. 92-297

To: The Commission - MAIL STOP 1170

COMMENTS OF THE NATIONAL CAPTIONING INSTITUTE, INC.

1. The National Captioning Institute, Inc. ("NCI") hereby submits its comments in response to the Commission's Notice of Proposed Rulemaking in CC Docket No. 92-297, FCC 92-538, released January 8, 1993, to establish rules and policies for a Local Multipoint Distribution Service ("LMDS"). NCI supports the Commission's effort to create this new means for delivering television programs. NCI is concerned, however, that the Commission's proposed LMDS policy does not address deaf and hard of hearing peoples' continued access to line 21 closed captions in television programs.

2. NCI is a nonprofit corporation created by Congress in 1979 and is the leading organization providing captioning services to the television industry. NCI's services primarily involve the creation of "closed captions." Closed captions are

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"hidden subtitles", or visual depictions of a television program's dialogue, that appear only on the screens of specially equipped television receivers. Presently, viewers who do not have these specially-equipped television receivers cannot access the closed captions,<sup>1/</sup> which are are transmitted as data on Line 21 of the vertical blanking interval ("VBI") of the television signal, pursuant to Section 73.682(a)(22) of the Commission's Rules.

3. NCI has spearheaded the development of closed captioning encoding and decoding equipment and for the last 12 years was the sole manufacturer of decoders (Telecaption™) for the consumer market. NCI has also developed integrated circuit technology to be built into new television receivers. NCI has additionally worked with television equipment manufacturers, television program distributors, and television program creators to prevent or resolve closed caption delivery problems that have arisen in the past between new television signal delivery technologies and the line 21 closed captioning service.

**Access to Closed Captions Will Soon Be Universal.**

4. As the Commission is aware, beginning July 1, 1993, every television receiver manufactured for sale in the United

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<sup>1/</sup> As discussed further infra, until this year, captioning decoders were almost all external set-top devices. Starting this year, decoding circuitry will be built into most new television receivers.

States with a 13-inch or larger screen will, by federal statutory requirement,<sup>2/</sup> have the ability to decode line 21 closed captions. Thus only a few months from now, line 21 closed caption decoders will be the most common of all consumer features on new receivers, even more common than remote control. Accordingly, access to line 21 closed captions will be universally available to every American.<sup>3/</sup> More particularly, this expanded access is of the utmost importance to the deaf and hard-of-hearing population. It is not a frill or a luxury but rather a necessity to these viewers.<sup>4/</sup> Therefore, it merits the Commission's closest attention in this proceeding and inclusion within its LMDS rules and policies.

**The Commission Position on Line 21 Closed Captions  
be Included in the Commission's LMDS policy.**

5. In a recently concluded proceeding, the Commission noted the transmission and preservation of closed captions served an

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<sup>2/</sup> See the Television Decoder Circuitry Act of 1990, Public Law 101-431 ("Decoder Act").

<sup>3/</sup> Between 15-20 million television sets will be sold each year and will contain the line 21 decoding circuitry.

<sup>4/</sup> While not everyone is deaf or hard-of-hearing, the captioning decoding feature will still be present in every new television receiver with 13-inch or larger screens. The feature will be useful to other people, such as those learning English. There is no telling how captioning services may develop once decoding circuitry becomes universal.

important public interest<sup>5/</sup> and that such a finding was consistent with the Congressional intent underlying the passage of the Decoder Act.<sup>6/</sup> In so noting, the Commission adopted requirements to require cable television system operators to deliver line 21 closed captions to viewers intact and in a form that can be decoded by line 21 decoding circuitry that meets the standards in Section 15.119 of the Commission's Rules.

6. Given the public interest in maintaining access to line 21 closed captions, the Commission's recent position on the transmission and preservation of closed captions should apply to LMDS program delivery. A model for line 21 rules the Commission could adopt for application to the LMDS environment exists in Section 76.606(a) of the Commission's cable television technical and operational rules, and NCI urges the Commission to adopt similar rules for LMDS.

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<sup>5/</sup> See the Commission's Report and Order released March 4, 1992 for MM Docket Nos. 91-169 & 85-38 at p. 24, para. no. 64.

<sup>6/</sup> Id.; see, also, House Report No. 101-767 at p. 3 in which it is stated:

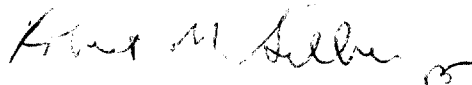
"The Bill mandates that the ... FCC ... take appropriate action to ensure that closed captioning services continue to be available to consumers as new video technologies ... are developed."

## Conclusion

7. The Commission's efforts to open new television program delivery services, such as LMDS, is in the public interest and should accordingly ensure that deaf and hard-of-hearing television viewers continue to be regarded as integral portions of this nation's television viewing audience and with that, to enjoy access to a television program's line 21 closed captions.

Respectfully submitted,

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